

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE

ROSA TRENT STOKES

Debtor

Case No. 19-31673-KLP
Chapter 7

SPECIALIZED LOAN SERVICING LLC
8742 Lucent Blvd.
Suite 300
Highlands Ranch, CO 80129

Movant

v.

Motion No.

ROSA TRENT STOKES
200 Poplar Forest Rd
Apt D
Farmville, VA 23901

and

HARRY SHAIJA, JR
CHAPTER 7 TRUSTEE
Spinella, Owings & Shaia, PC
8550 Mayland Drive
Richmond, VA 23294

Respondents

MOTION FOR RELIEF FROM AUTOMATIC STAY

COMES NOW, Specialized Loan Servicing LLC, its successors and/or assigns, movant, by its attorneys, Mark D. Meyer, Esq., and Rosenberg & Associates, LLC, and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. Section 362(d)-(f).

2. On or about March 28, 2019, Rosa Trent Stokes ("Debtor") filed a Voluntary Petition in the Court under Chapter 7 of the Bankruptcy Code.

3. Harry Shaia, Jr is the Chapter 7 trustee of the Debtor's estate.

4. At the time of the initiation of these proceedings, the Debtor owned a parcel of fee simple real estate improved by a residence with a legal description of "LAND REFERRED TO IN THIS COMMITMENT IS DESCRIBED AS ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF CUMBERLAND IN THE

MARK MEYER
DC BAR 475552
MD BAR 15070
VA BAR 74290

ROSENBERG &
ASSOCIATES, LLC
4340 East West Highway
SUITE 600
BETHESDA, MD 20814
(301) 907-8000
FILE NUMBER: 75122

COUNTY OF CUMBERLAND, AND STATE OF VIRGINIA AND BEING DESCRIBED IN A DEED DATED 03/10/1992 AND RECORDED 03/12/1992 IN BLOCK 188 PAGE 26 AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE, AND REFERENCED AS FOLLOWS: THAT CERTAIN PARCEL OF LAND IN MADISON MAGISTERIAL DISTRICT, CUMBERLAND COUNTY, VIRGINIA CONTAINING 0.79 ACRES, AS SHOWN ON PLAT OF SURVEY, MADE JANUARY 28, 1993, BY RALPH P. HINES, C.L.S., A COPY OF WHICH PLAT IS ATTACHED TO AND MADE A PART OF THIS DEED. THIS LOT IS THEREON DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON MARGIN OF STATE ROUTE 600, MARKED BY A SET IRON ONLINE, CORNER WITH VIRGINIA R. JENKINS, THENCE WITH SAID ROUTE 600 A CURVE, ARC 160.72', RADIUS 492.47', DELTA 18 DEGREES 41' 57" AND CHORD 160.01", S. 50 DEGREES 21' 55" E.; THENCE S. 15 DEGREES 02' 00" W. 227.30' TO A SET IRON WITH METAL FENCE POST; THENCE METAL N. 74 DEGREES 58' 00" N. 128.00' TO A SET IRON WITH METAL FENCE POST; THENCE N. 11 DEGREES 37' 45" E. 294.43' ALONG CENTER OF OLD ROAD TO THE POINT OF BEGINNING, MARKED BY SAID SET IRON ON LINE AT 281.9'. BEING A PORTION OF A 32 ACRE PARCEL PARTITIONED TO JAMES OTIS TRENT BY PARTITION DEED DATED JUNE 6, 1991, FROM LEE CRUMP, ET AL, WHICH DEED IS TO BE RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF CUMBERLAND COUNTY, VIRGINIA PRIOR TO THIS DEED OF GIFT. COMMONLY KNOWN AS: 270 STONEY POINT RD, CUMBERLAND, VA 23040" also known as 270 Stoney Point Road, Cumberland, VA 23040 (hereinafter "the subject property").

5. The subject property is encumbered by a Deed of Trust securing the note, which is currently held by the movant. The documents evidencing the movant's security interest are attached hereto.

6. Specialized Loan Servicing LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtains a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

7. The total amount due under the Deed of Trust securing the Movant as of April 9, 2019, including attorney's fees and court costs, is approximately \$32,788.62.

8. The Debtor is in default under the Deed of Trust, and the Movant has accelerated the entire balance of the Note and Mortgage and interest continues to accrue.

9. The Debtor is behind in his/her monthly mortgage payments, and equity in the Debtor's residence is dissipating.

10. The Movant lacks adequate protection of its interest in the subject

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property.

11. The Movant has been and continues to be irreparably injured by the stay of Section 362 of the Bankruptcy Code, which prevents the Movant from enforcing its rights under the Note and Deed of Trust.

12. Cause exists for lifting the automatic stay imposed by Section 362 of the Bankruptcy Code to enable the Movant to enforce its rights under its Note and Deed of Trust.

WHEREFORE, the Movant, Specialized Loan Servicing LLC its successors and/or assigns, respectfully requests that this Honorable Court:

1. Enter an order terminating the automatic stay imposed by Section 362 of the Bankruptcy Code to enable it to proceed with a foreclosure sale, accept a deed in lieu or agree to a short sale of the real property and improvements located at 270 Stoney Point Road, Cumberland, VA 23040; and

2. Grant such other and further relief as may be just and necessary.

/s/ Mark D. Meyer, Esq.

Mark D. Meyer, Esq.

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of April, 2019, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the foregoing Motion for Relief from the Automatic Stay will be served electronically by the Court's CM/ECF system on the following:

Harry Shaia, Jr, Trustee

Mary-Scott Gates Hennigan, Esquire

I hereby further certify that on the 12th day of April, 2019, a copy of the foregoing Motion for Relief from the Automatic Stay was also mailed first class mail, postage prepaid to:

Rosa Trent Stokes
200 Poplar Forest Rd
Apt D
Farmville, VA 23901

/s/ Mark D. Meyer, Esq.

Mark D. Meyer, Esq.

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